



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

WORKMAN NYDEGGER
1000 EAGLE GATE TOWER,
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

In re Application of
Zung, et al.
Application No. 10/660,288
Filed: September 11, 2003
Attorney Docket No. 16497.138.1.1.2.1

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS
DECISION ON PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed September 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to the prior-filed U.S. App. No. 10/652,182 set forth in the amendment filed December 14, 2005.

The petition is **DISMISSED AS MOOT.**

A reference to the application identified as “Atty Docket. No. 6771USP3, filed August 29, 2003,” was provided in the first sentence of the specification of the instant application as filed following the title, as required by 37 CFR 1.78(a)(3).

Pursuant to In re Fouche, 439 F.2d 1237 (1971), sufficient information was provided as part of the disclosure via the attorney docket number to distinguish the application as U.S. App. No. 10/652,182.

In view of the above, a petition under 37 CFR 1.78 is not required. No fee has been assessed in regard to this matter.

Any questions concerning this decision on petition may be directed to Alesia M. Brown at (571) 272-3205. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3734 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Anthony Knight
Supervisor
Office of Petitions